



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

11/21/03

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/425,617	10/22/1999	HIROSHI OMURA	Q56369	9804
7590	11/21/2003		EXAMINER	YE, LIN
SUGHRUE MION ZINN MACPEAK & SEAS PLLC 2100 PENNSYLVANIA AVENUE N W WASHINGTON, DC 200373202			ART UNIT	PAPER NUMBER
			2612	8
DATE MAILED: 11/21/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/425,617	OMURA, HIROSHI
Examiner	Art Unit	
Lin Ye	2612	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 05 September 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-14 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 22 October 1999 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

 1. Certified copies of the priority documents have been received.

 2. Certified copies of the priority documents have been received in Application No. _____.

 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) Interview Summary (PTO-413) Paper No(s). _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

1. Applicant's arguments with respect to claims 1-14 filed on 9/5/03 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-6, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook U.S Patent 6,476,863 in view of Cullen et al. Patent 5,781,665.

Referring to claim 1, the Silverbrook reference discloses in Figures 1-2, a portable, handheld printer (e.g. a handheld digital camera with printer) comprising: means for printing an image on a recording medium; means driving the printing means based on digital image data (See Col. 8, lines 32-41); image processing means (ARTCAM Central processor 31 in Figure 2) for extracting image data pieces by using "Artcards" (9) resulting in a desired special effect of output image (8) in a designated size at a designated position (Figure 1, Artcard 9 defines the size, position and number of images to print out, See Col 9, lines 1-65). The Artcard 9 is a program storage medium includes facilities for handling many image processing functions including face (human subject) detection and object detection, and a imaging warping, distorting simulation effect, etc (See Col. 12, lines 5-25), to print the image object onto the recording medium in the designated size at the designated position; and

means for portably housing said printing means, said driving means and said image processing means. However, the Silverbrook reference does not explicitly give an example for extracting image data pieces representative of the human subject and print the human subject onto the recording medium without including any background subject for Photo ID printing purpose.

The Cullen et al. reference discloses in Figure 1, an apparatus including a image processing means for extracting digital image data pieces representative of a human subject (face F) from image data of an image frame (5), and processing the image data pieces of the human subject such that the human subject is printed on the recording medium, the image processing device replacing image data pieces other than those of the human subject (face F) with blanking data to delete any other subject (background B) contained in the image frame, wherein the driving means drives the printing means accordance with the image data processed by the image processing means, to print the human subject (image CI) onto the recording medium with a blanked background (See Col. 2, lines 59-65). The Cullen reference is evidence the one of ordinary skill in the art at the time to see more advantage for the portable printer system printing the human subject onto the recording medium with a blank background so in order to produce photo ID as a drivers license and passport. For that reason, it would have been obvious to see the portable, handheld printer can extract image data pieces representative of the human subject and print the human subject onto the recording medium without including any background subject disclosed by Silverbrook.

Referring to claims 2-3, The Silverbrook and Cullen references disclose all subject matter as discussed with respect to same comment as with claim 1, and the Silverbrook reference

discloses wherein the image processing means (ARTCAM Central processor 31) processes the image data of the image frame such that the image subject (e.g. can be considered as human subject discussed in claim 1) with the blanked background with a cutting line surrounding the image subject, the cutting line showing a boundary of a picture frame of a designated frame size is printed on the recording medium in a designated frame size as shown in Figure 1.

Referring to claim 5, the Silverbrook reference discloses the further comprising a mode selection device (utilize button 19) for selecting a normal mode (without using Artcards) for driving the printing means on the basis of the image data of the image frame to print a picture frame corresponding to the image frame, or a second mode (using Artcards) or driving the printing means on the basis of the image data processed by the image processing means to print a picture frame containing the human subject with the blanked background (See Col. 8, lines 55-56).

Referring to claim 6, the Silverbrook and Cullen references disclose all subject matter as discussed with respect to same comment as with claims 1 and 5, and the Cullen reference discloses for making an ID photograph that is used for identifying a person (See col. 1, lines 15-23).

Referring to claim 11, the Silverbrook reference discloses a printer comprising an electronic imaging device (Area image sensor 2, see Col 10, lines 7-11) for obtaining digital image data from a subject, and a memory (33) for storing the image data by each frame (See Col. 9, lines 17-18).

Referring to claim 12, the Silverbrook and Cullen references disclose all subject matter as discussed with respect to same comment as with claims 1 and 11.

Referring to claim 13, , the Silverbrook and Cullen references do not explicitly show the memory unit is built in camera, removably attachable to the camera or an external memory electrically connected to the camera. It would have been obvious to one of ordinary skill in the art at the time to see an advantage to provide more flexible options to user for storing the image data. For this reason, it would have been obvious to the camera system including the memory wherein the memory can be a memory built in the camera, a memory removably attachable to the camera, and an external memory electrically connected to the camera disclosed by Silverbrook.

Referring to claim 14, the Silverbrook and Cullen references disclose all subject matter as discussed with respect to same comment as with claims 1, 6 and 11.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook U.S Patent 6,476,863 in view of Cullen et al. Patent 5,781,665 and McIntyre U.S. Patent 6,191,815.

Referring to claim 4, the Silverbrook and Cullen references discloses all subject matter as discussed in respect to claims 1-3, but except the references do not explicitly show the image processing device can determine how many picture frames can be printed on the same recording medium depending upon the designated frame size and a recording area of the recording medium.

The McIntyre reference discloses in Figures 1 and 5, the digital camera has a image processing device (control unit 32) can control printer device (8) to print multiple different images (42) on the same recording medium as shown in Figure 5 (See Col. 6, lines 43-48). The McIntyre reference is evidence that one of ordinary skill in the art at time to see more advantages for printed multiple different images on the same recording medium so that the recording area of recording medium can be maximum utilized when the each of image frame size is much small than the area of recording medium. For that reason, it would have been obvious to see the digital camera system has image processing device determines how many picture frames can be printed on the same recording medium depending upon the designated frame size and a recording area of the recording medium disclosed by Silverbrook.

5. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook U.S Patent 6,476,863 in view of Cullen et al. Patent 5,781,665 and Douglas U.S. Patent 5,946,031.

Referring claim 7, the Silverbrook and Cullen references discloses all subject matter as discussed in respected in claim 1, but the references do not explicitly states the recording medium is an instant film, and the printing device optically prints the image on the instant film.

The Douglas reference discloses in Figures 1, 3 and 5, a photographic apparatus 910) which provides electronic camera operation with a printing capability. The recording medium is an instant film (photosensitive medium 52) (See Col. 5, line4s 10-27). The printing device optically prints the image on the instant film (See Col.7, lines 6-15). The

Douglas reference is evidence that one of ordinary skill in the art at the time to see more advantages for using a camera display optically and directly write onto the instant film, because this allow a user to print an image onto photosensitive media without the need for first downloading the image to a computer or other processing unit. For that reason, it would have been obvious to see the printing device optically prints the image on the instant film disclosed by Silverbrook.

Referring to claim 8, the Douglass reference discloses wherein the printing device comprises an LCD panel (82), three color light emission diodes (LED array 104 can be red, green, or blue colors) (See Col. 6, lines 53-65) illuminating the LCD panel from its rear side as shown in Figure 6A, and a printing optical system for projecting an image displayed on the LCD panel toward the recording medium (See Col. 7, lines 6-15).

Referring to claim 9, the Douglass reference discloses a monitoring device (display 44) for allowing selecting and observing an image to print, wherein the image to print is displayed on the LCD panel and is observed through the monitoring device (See Col. 4, lines 43-48 and lines 57-62).

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook U.S. Patent 6,476,863 in view of Cullen et al. Patent 5,781,665 and Suzuki U.S. Patent 5,847,836.

Referring claim 10, the Silverbrook and Cullen references discloses all subject matter as discussed in respected in claim 1, but the references do not explicitly states the printer may be loaded with a battery as a power source.

The Suzuki reference discloses in Figure 3, a printing-built-in image-sensing apparatus has a battery (25) directly connect with printer engine (52) via the switch (25a). The Suzuki reference is evidence that one of ordinary skill in the art at the time to see more advantages for having a battery independently and directly connected with printer so that the printer can be more portable and compact. For this reason, it would have been obvious to see the printer loaded with a battery as a power source disclosed by Silverbrook.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lin Ye** whose telephone number is (703) 305-3250. If attempts to

Art Unit: 2612

reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Lin Ye
November 14, 2003